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Plaintiff-Civil Rights Complainant Pro se

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AUG 07 2023	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY <u>116</u>	DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Benton Gene Baskin,

Plaintiff,

v.

Todd Thomas, et al.,

Defendants.

CASE NO.: CV-21-01890-PHX-SPL(JFM)

PLAINTIFF BASKIN'S MOTION
FOR EXTENSION OF TIME
TO RESPOND TO COURT
ORDER TO SHOW CAUSE

Plaintiff Baskin appears pro se, and respectfully moves for an (30) day extension of time to respond to the Court's order to show cause why action should be transferred to the District of Kansas, filed on July 17th, 2023, (Doc. 40).

Pursuant to Federal Rule of Civil Procedure ("FRPC") 6(b)(1)(B), Plaintiff respectfully requests that the Court extend, to and until August 25, 2023, the time within which Plaintiff must respond to the Court's order to show cause. Plaintiff's response was due on August 8, 2023. This is Plaintiff's (First) request for an extension of time for the purpose set forth herein.

In support of this Motion, Plaintiff relies upon the Memorandum of Points and Authorities set forth below.

I. MEMORANDUM OF POINTS AND AUTHORITIES

Federal Rule of Procedure 6(b)(1)(B) permits a party to extend a deadline after it's expiration upon showing of "excusable neglect". The standard to be applied by a Court under FRPC 6(b)(1)(B) is a liberal one in order to "effectuate the general purpose of seeing that cases are tried on the merits."

Ahanehian v. Xenon Pictures, Inc., 624 F.3d 1253, 1258-59 (9th Cir. 2010).

"Good cause is a non rigorous standard that has been construed broadly across procedural and statutory contexts." Id at 1259.

Plaintiff shows the Court that:

1.) There have been no previous extensions of time granted to the Plaintiff concerning a response to the Court's order to show cause in this case.

2.) The basis for the request for an extension is excusable neglect based on Hutchinson Correctional Facility East Unit ("HCFEU") policy to deliver Legal Mail, creating a delay and depriving Plaintiff from timely receiving Legal Mail from the Court and Hinders Plaintiff time to respond to the Court. Plaintiff has signed "under duress" in order to receive his legal documents. The Mail arrived at ("HCFEU") on July 24, 2023, Plaintiff Received Copies on July 26, 2023. See Attached Exhibit A.

3.) Plaintiff bears the responsibility for adhering to all Court deadlines and therefore sincerely apologizes to the Court for any inconvenience occasioned by this request for an extension of time.

Plaintiff has commenced drafting an appropriate response to the Court order to Show Cause and expects to have it filed no later than August 25th, 2023, Accordingly.

II. CONCLUSION

For these reasons Plaintiff Baskin respectfully moves this Court for an (30) day extension of time to respond to Court's Order to Show Cause why action should be transferred to the District of Kansas, instead of dismissed.

Dated this 1st day of August, 20 23.

BENTON GENE BASKIN

By Benton Gene Baskin
Benton Gene Baskin, I/M #52888
Hutchinson Correctional Facility East
P.O. Box 1568
Hutchinson, Kansas 67504

Plaintiff-Pro se

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of August, 20 23, a true and correct copy of the above and foregoing Plaintiff Baskin's Motion For Extension of Time to Respond to Court's Order to Show Cause, was made by depositing the same in the United States Mail, postage prepaid addressed to the following:

Debra D. Lucas, Chief Executive
District Court Executive/Court Clerk
Sandra Day O'Connor U.S. Courthouse
Suite 130
401 West Washington Street, SPC 1
Phoenix, arizona 85003-2118

Matthew L. Shoger I.D. #28151
Kansas Assistant Attorney General
120 S.W. 10th Avenue, 2nd Floor
Topeka, Kansas 66612-1597
Attorney for Defendants

Struck Love Bojanowski & Acedo, PLC
Daniel P. Struck
Dana M. Keene
Courtney Lacaillade
3100 West Ray Road, Suite 300
Chandler, Arizona 85220
Attorneys for Defendant

Benton Gene Baskin
Benton Gene Baskin, I/M #52888
Plaintiff-Pro se

EXHIBIT A

KANSAS DEPARTMENT OF CORRECTIONS - LEGAL, OFFICIAL,
PRIVILEGED MAIL DELIVERY FORM/DATE RECEIVED IN
HCF MAILROOM

KANSAS DEPARTMENT OF CORRECTIONS LEGAL, OFFICIAL, PRIVILEGED MAIL DELIVERY FORM

SECTION A: This section is to be filled out by mail room staff (please print):

Staff Name: V Inkelaar Signature: [Signature] Date: 7/24/23

Resident Name: Baskin KDOC Number: 52888 Athena Number:

Sender's Name: US District Court Clerk's Office, Sandra Day O'Connor US Courthouse

Sender's Address: 401 W Washington Street, SPC 1, Suite 130 Phoenix, AZ 85003

SECTION B: Inspection and clearance by designated staff (please print):

Clear for processing: YES ☒ NO ☐

Staff Name: NICKELS Signature: [Signature] Date: 7/25/23

SECTION C: To be filled out by Delivering Staff (please print):

Staff Name: ROBBIN L. HURT Rank/Position: CCF

Staff Signature: [Signature] Date: 07/26/2023

SECTION D: Resident Acknowledgement (please print):

Please respond "Yes" or "No" to the statement below:

☒ Quality of photocopy is acceptable. ☒ I am accepting my legal, official, privileged mail.

Resident Signature: [Signature]

Date: 7/26/2023

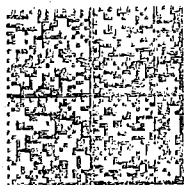
SECTION E: To be filled out by Witnessing Staff if Resident refuses to sign Section D (please print):

Staff Name as Witness (please print):

Staff Signature as Witness:

Noted Concerns:

quadrant
FIRST-CL
IMP
0002
07/18/2023
043M31237



WOODWARD
ROOM
DATE 8/7/23
TIME 11:11

112271

U.S. DISTRICT COURT CLERK'S OFFICE
SANDRA DAY O'CONNOR U.S. COURTHOUSE, SUITE 130
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PHOENIX, AZ 85003-2118

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